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REPLY AFTER FINAL REJECTION
EXPEDITED PROCEDURE EXAMINING GROUP 1700

BOX AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kazuhiro TAKAHASHI et al.

Group Art Unit: 1774

Serial No.: 09/508,604

Examiner: Kimberly T. Nguyen

Filed: March 14, 2000

For: DECORATIVE MATERIAL

REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D. C. 20231

Sir:

Applicants request reconsideration of the Final Rejection mailed January 16, 2002 in view of the following remarks.

The Examiner is thanked for taking the time to review the case and discuss the Final Rejection with applicants' attorney on July 12, 2002. It is noted for the record that the purpose of the discussion was that the Examiner was requested to express her views regarding how the references, particularly Manning et al. '007, taught or suggested in a top layer, an ionizing radiation curable

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resin, a requirement of each of the claims under examination. The independent claims (1, 7, 16, and 21) all contain such a requirement; therefore all claims in the case have this limitation.

The Examiner stated that in her opinion the disclosure in Manning et al. '007 at columns 4 and 10 regarding acrylates and methacrylates and their contemplated use as a overcoat layer showed that ionizing radiation-curable resins were present in a comparable element of the Manning et al. '007 structure. Applicants with respect submit that the invention of claims 1 to 41 patentably defines over (1) Manning et al. '007 in view of Takahashi et al. '044, (2) Sato et al. '457 in view of Takahashi et al. '044, and (3) Manning et al. '007 in view of Takahashi et al. '044 further in view of Skinner '400, a patent newly cited but one acknowledged to have been mentioned in Manning et al. '007.

The discussion of the Manning et al. '007 decorative underprinted inlaid sheet at pages 2 and 3 of the Final Rejection is acknowledged. The Examiner there characterizes the overcoat layer as one formed of a plastisol or wear-resistant polyurethanes such as those shown in Skinner et al. '400. These materials, as argued orally to the Examiner during a telephone conversation on July 10, 2002, are not normally regarded as ionizing radiation-

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curable resins. Indeed, Skinner et al. '400 at column 3, lines 46 to 61 discusses that radiation curable polyurethanes are generally not preferred for use in the sheet vinyl flooring seam sealing composition disclosed therein. Applicants therefore respectfully submit that one of ordinary skill in the art would not regard the wear-resistant polyurethanes shown in Manning et al. '007 as ionizing radiation-curable resins. The reference overcoat compositions mentioned at page 3 of the Final Rejection do not lead the artisan to the invention claimed here. Applicants acknowledge that the overcoat layer materials listed in the Final Rejection differ from the materials mentioned by the Examiner in support of her position during the July 12, 2002 telephone discussion.

Applicants also respectfully submit that the present invention represents a selection invention in no proper fashion taught or suggested by Manning et al. '007 or Sato et al. '457 taken in combination with the remaining references. There clearly is no recognition or acknowledgment in either of these primary references of using an ionizing radiation-curable resin in the top coat layer (no resins for use in the top layer of the reference products are singled out or specifically identified as ionizing radiation-curable resins); thus, there is no reason given in the reference

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for the reader to use a structure having a stress-relaxing layer or layers to eliminate the stress caused during curing of the ionizing radiation-curable resin in the top layer of the claimed product decorative material.

Applicants moreover respectfully submit that one of ordinary skill in the art would not focus on the mention of acrylates or methacrylates in Manning et al. '007 as an overcoat layer and conclude therefrom that the top layer of the laminate will contain an ionizing radiation-curable resin and that adjustments will be made in the structure or makeup of the product to relieve stress that occurs during curing of the ionizing radiation-curable resins.

Applicants lastly submit with respect that the working and comparative examples of the specification do establish patentability of the claimed subject matter. The working and comparative examples beginning at page 73 show why it is necessary to have a primer (stress relaxing) layer in the claimed decorative material, why it is worthwhile to control the average molecular weight between crosslinks, and why it is beneficial to use particular components in the various layers (see Examples A3 to A7 and Comparative Examples A5 to A9). The B set of examples show how a penetrating-inhibiting coating facilitates concave depth, how

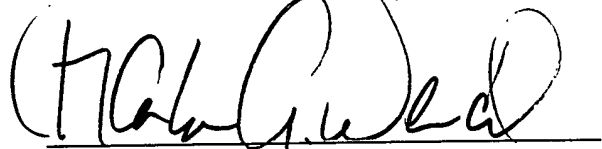
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various formulations affect solvent, abrasion, and scratch resistance. The C set of examples show the effects of variations among printed decorative materials as to the coefficient of dynamic friction, gloss, and abrasion resistance; see Table C1 on page 91. The D set of examples show various print layers built up on a building material tissue paper substrate. Adhesion and moisture permeability values appear in Table D1 on page 95. The E set of examples show how gloss after lamination can be controlled. See Table E1 on page 98. Lastly, the F set of examples show embodiments with varying matte and gloss and the abrasion resistance of those products.

In view of the foregoing reasons, it is respectfully submitted that claims 1 to 41 patentably define over the cited art and a USPTO paper to those ends is earnestly solicited

Respectfully submitted,

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